

A. G. Contract No. KR900751TRD  
ECS File: JPA 90-46  
Project: 092 CH 320/H 2745 01 C  
Section: SR-92 - Sierra Vista

INTERGOVERNMENTAL AGREEMENT  
LANDSCAPE MAINTENANCE  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF SIERRA VISTA

THIS AGREEMENT is entered into 24 May, 1990  
pursuant to Arizona Revised Statutes Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and the  
CITY OF SIERRA VISTA, acting by and through its City Council,  
(the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The City is empowered by Arizona Revised Statutes  
Section 48-572 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has  
authorized the undersigned to execute this agreement on behalf  
of the City.

3. It is to the mutual advantage of the State and the  
City to landscape certain areas within the right of way on  
SR-92 at the following location:

From centerline roadway station 202+23 to  
centerline roadway station 218+00, a net distance  
of approximately 0.30 miles.

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NO.	<u>14736</u>
FILED WITH SECRETARY OF STATE	
Date Filed	<u>5/24/90</u>
<u>Jim Sheenway</u> Secretary of State	
By	<u>Vicky J. Gruenewald</u>

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## II. SCOPE OF WORK

1. The State will prepare Landscape Architectural plans for the landscaping and irrigation project and submit them to the City for approval.

2. After City approval of the plans, the project will be constructed by the State, using State funds. Upon completion of the work, the City shall reimburse the State 25 percent of the landscape contract costs.

3. The City shall furnish and install necessary water services from water mains to the designated locations within the right of way at the State's expense.

4. The City shall furnish all water for landscape installation during the construction phase, and all water hereafter necessary to properly maintain the landscape, all at City expense.

5. After construction, the City shall maintain the landscaping and irrigation system within the right of way and shall furnish all electrical power necessary to maintain the landscaping within the right of way.

6. The City hereby agrees to maintain the landscaping and irrigation system. Maintenance shall consist of the care of all landscaping in accordance with accepted horticultural practices, keeping all areas free of weeds, undesirable grasses and litter, applying irrigation water, furnishing and applying sprays and dust to combat diseases and other pests, pruning and replanting as required to maintain the landscaping as it was designed, testing, adjusting, repairing and operation of the irrigation system and the repair of all erosion to maintain the final grade established at the completion of the project. The City will not make any changes, additions or deletions without written approval by the State. All maintenance work shall be conducted in a manner to minimize traffic congestion and interference with through traffic. All traffic control will meet the requirements of the Arizona Department of Transportation's "Uniform Traffic Control Manual."

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. The terms, conditions and provisions of this agreement shall remain in full force and effect for period of five (5) years from the effective date, unless terminated earlier by mutual consent of the parties hereto or unless this Agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless either party shall give notice in writing to the other not less than one (1) month nor more than three (3) months prior to the initial or renewed expiration date. Further, this agreement may be terminated by the State at any time upon the giving of 60 days written notice. It is understood and agreed that, in the event this agreement is terminated by the City, the State shall in no way be obligated to maintain said landscaping.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Engineering Consultants Services  
205 South 17 Avenue, Room 118E  
Phoenix, AZ 85007

City of Sierra Vista  
City Engineer  
2400 E. Tacoma  
Sierra Vista, Arizona 85635

7. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement  
the day and year first above written.

CITY OF SIERRA VISTA

STATE OF ARIZONA

Department of Transportation

By 

By 

ROBERT P. MICKELSON

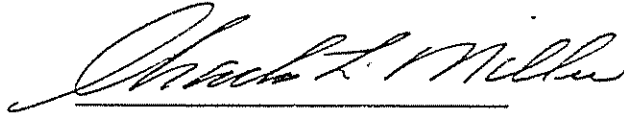
Deputy State Engineer

Title Mayor

RESOLUTION

BE IT RESOLVED on this 3rd day of April 1990, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities for the construction and maintenance of landscape improvements to ~~US-60~~ <sup>SR-92</sup> in the City. *ESA*

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.



CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

RESOLUTION 2392

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING THE PLANNING GOAL 10, LANDSCAPING IMPLEMENTATION OF THE VISTA 2000 GENERAL DEVELOPMENT PLAN, REAFFIRMING SETTLED POLICY TO ACCEPT FUNDING ASSISTANCE FROM OTHER AGENCIES, AND AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA (ADOT), WHICH INCLUDES DESIGN, CONSTRUCTION, MAINTENANCE, AND FINANCING OF LANDSCAPE IMPROVEMENT FOR THE RIGHT-OF-WAY ON STATE ROUTE 92 FROM SNYDER BOULEVARD TO LA LINDA WAY; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the State of Arizona has implemented a Non-Interstate System Landscaping Policy whereby funding is made available to small urban communities for landscaping of highway routes; and

WHEREAS, Landscape Improvement Projects conform to the City's General Development Plan regarding land use, open spaces and urban design; and

WHEREAS, in April 1987, the City made application to the State of Arizona requesting funds for a landscaping project along State Route 92; and

WHEREAS, in August 1987, the Arizona Department of Transportation approved the City application for participation in the cooperative Non-Interstate Landscaping Program; and

WHEREAS, the City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement; and

WHEREAS, it is to the mutual advantage of the City and the State to landscape certain areas within the right-of-way on State Route 92, from center line roadway station 202 + 23 (Snyder Boulevard) to center line roadway station 218 + 00 (La Linda Way), a net distance of approximately 0.30 miles; and

WHEREAS, the City has budgeted funds for the State Route 92 Landscape Improvement Project; and

WHEREAS, upon completion of the project, the City shall reimburse the State twenty-five (25%) percent of the landscape contract costs; and

WHEREAS, the City is desirous of completing paid improvement through the construction stage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

Section 1

A. That Planning Goal 10 to plan and manage growth so as to balance relevant environment, fiscal, economic, and aesthetic components of the community be, and hereby is, reaffirmed.

B. That the settled policy most recently affirmed by Resolution 2347 to accept funding assistance from other agencies be, and hereby is, reaffirmed.

C. That the settled policy most recently affirmed by Resolution 2322 to enter into an intergovernmental agreement with another public agency be, and hereby is, reaffirmed.

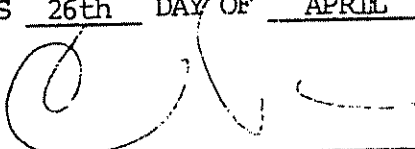
Section 2

That the City be and hereby is, authorized to enter into an Intergovernmental Agreement with the State of Arizona, which includes design, construction, maintenance, and financing of landscape improvement projects for the right-of-way on State Route 92 from Snyder Boulevard to La Linda Way.

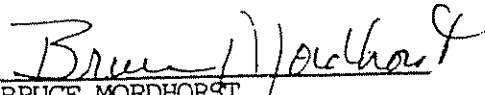
Section 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

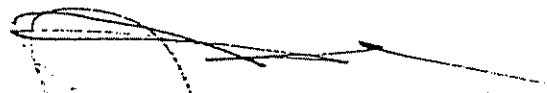
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 26th DAY OF APRIL 1990.

  
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CARL FRIEDERS  
Mayor


ATTEST:

  
BRUCE MORDHORST  
City Clerk

APPROVED AS TO FORM:

  
FAUVER & TILD  
City Attorney

PREPARED BY:

  
YOLANDA C. JONES  
Assistant Purchasing Agent

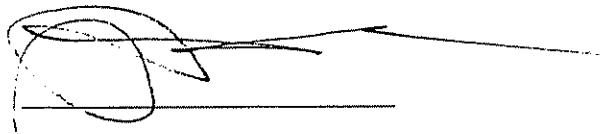


JPA 90-46

APPROVAL OF THE CITY ATTORNEY

*I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.*

DATED this 4th day of April, 1990.

  
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City Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR90-0751TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 17<sup>th</sup> day of May, 1990.

ROBERT K. CORBIN  
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath".

James R. Redpath  
Assistant Attorney General  
Transportation Division